

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2181  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 49-457, Arizona Revised Statutes, is amended to  
3 read:

4 49-457. Agricultural best management practices committee;  
5 members; powers; permits; definitions

6 A. A best management practices committee for regulated agricultural  
7 activities is established.

8 B. The committee shall consist of:

9 1. The director of environmental quality or the director's designee.

10 2. The director of the Arizona department of agriculture or the  
11 director's designee.

12 3. The dean of the college of agriculture of the university of Arizona  
13 or the dean's designee.

14 4. The state director of the United States natural resources  
15 conservation service or the director's designee.

16 5. One person actively engaged in the production of citrus.

17 6. One person actively engaged in the production of vegetables.

18 7. One person actively engaged in the production of cotton.

19 8. One person actively engaged in the production of alfalfa.

20 9. One person actively engaged in the production of grain.

21 10. One soil taxonomist from the university of Arizona college of  
22 agriculture.

23 11. ONE PERSON ACTIVELY ENGAGED IN THE OPERATION OF A BEEF CATTLE FEED  
24 LOT.

25 12. ONE PERSON ACTIVELY ENGAGED IN THE OPERATION OF A DAIRY.

26 C. The governor shall appoint the members designated pursuant to  
27 subsection B, paragraphs 5 through ~~10~~ 12 of this section for a term of six  
28 years. Members may be reappointed. Members are not entitled to compensation

1 for their services but are entitled to receive reimbursement of expenses  
2 pursuant to title 38, chapter 4, article 2.

3 D. The committee shall elect a chairman from the appointed members to  
4 serve a two year term.

5 E. The committee shall meet at the call of the chairman or at the  
6 request of a majority of the appointed members.

7 F. The department of environmental quality, the Arizona department of  
8 agriculture and the college of agriculture of the university of Arizona shall  
9 cooperate with and provide technical assistance and any necessary information  
10 to the committee. The department of environmental quality shall provide the  
11 necessary staff support and meeting facilities for the committee.

12 G. ~~Notwithstanding subsections I, J and K of this section, a person~~  
13 ~~engaged in a regulated agricultural activity on August 21, 1998 shall comply~~  
14 ~~with the general permit as provided in subsection H of this section by~~  
15 ~~December 31, 2001.~~ A person who commences a regulated agricultural activity  
16 after December 31, 2000 shall comply with the general permit within eighteen  
17 months of commencing the activity.

18 H. ~~By June 10, 2000,~~ The committee shall adopt, by rule, an  
19 agricultural general permit specifying best management practices for  
20 regulated agricultural activities to reduce PM-10 particulate emissions. A  
21 person WHO IS subject to an agricultural general permit pursuant to this  
22 section is not subject to a permit issued pursuant to section 49-426 except  
23 as provided in subsection K of this section. The committee shall adopt by  
24 rule a list of best management practices, at least two of which shall be used  
25 to demonstrate compliance with applicable provisions of the general permit ~~no~~  
26 ~~later than December 31, 2007.~~ Best management practices may vary within the  
27 regulated area, according to regional or geographical conditions or cropping  
28 patterns. ~~The director shall submit the rule to the United States~~  
29 ~~environmental protection agency as a revision to the applicable~~  
30 ~~implementation plan no later than December 31, 2007.~~

31 I. If the director determines that a person WHO IS engaged in a  
32 regulated activity is not in compliance with the general permit, and that

1       person has not previously been subject to a compliance order issued pursuant  
2       to this section, the director may serve ~~upon~~ ON the person by certified mail  
3       an order requiring compliance with the general permit and notifying the  
4       person of the opportunity for a hearing pursuant to title 41, chapter 6,  
5       article 10. The order shall state with reasonable particularity the nature  
6       of the noncompliance and shall specify that the person has a period that the  
7       director determines is reasonable, but is not less than six months, to submit  
8       a plan to the supervisors of the natural resource conservation district in  
9       which the person engages in the regulated activity that specifies the best  
10      management practices from among those adopted in rule pursuant to subsection  
11      H of this section that the person will use to comply with the general permit.

12           J. If the director determines that a person WHO IS engaged in a  
13       regulated activity is not in compliance with the general permit, and that  
14       person has previously submitted a plan pursuant to subsection I of this  
15       section, the director may serve ~~upon~~ ON the person by certified mail an order  
16       requiring compliance with the general permit and notifying the person of the  
17       opportunity for a hearing pursuant to title 41, chapter 6, article 10. The  
18       order shall state with reasonable particularity the nature of the  
19       noncompliance and shall specify that the person has a period that the  
20       director determines is reasonable, but is not less than six months, to submit  
21       a plan to the department that specifies the best management practices from  
22       among those adopted in rule pursuant to subsection H of this section that the  
23       person will use to comply with the general permit.

24           K. If a person fails to comply with the plan submitted pursuant to  
25       subsection J of this section, the director may revoke the agricultural  
26       general permit for that person and require that the person obtain an  
27       individual permit pursuant to section 49-426. A revocation becomes effective  
28       after the director has provided the person with notice and an opportunity for  
29       a hearing pursuant to title 41, chapter 6, article 10.

30           L. The committee may periodically reexamine, evaluate and modify best  
31       management practices. Any approved modifications shall be submitted to the

1       United States environmental protection agency as a revision to the applicable  
2       implementation plan.

3           M. The committee shall develop and commence an education program ~~by~~  
4       ~~June 10, 2000~~. The education program shall be conducted by the director or  
5       the director's designee or designees.

6           N. ~~In~~ FOR THE PURPOSES OF this section, unless the context otherwise  
7       requires:

8           1. "Agricultural general permit" means best management practices that:

9              (a) Reduce PM-10 particulate emissions from tillage practices and from  
10          harvesting on a commercial farm.

11              (b) Reduce PM-10 particulate emissions from those areas of a  
12          commercial farm that are not normally in crop production.

13              (c) Reduce PM-10 particulate emissions from those areas of a  
14          commercial farm that are normally in crop production including prior to plant  
15          emergence and when the land is not in crop production.

16              (d) REDUCE PM-10 PARTICULATE EMISSIONS FROM THE ACTIVITIES OF A DAIRY  
17          OR THE ACTIVITIES OF A BEEF CATTLE FEED LOT, INCLUDING PRACTICES RELATING TO  
18          THE FOLLOWING:

19                  (i) UNPAVED ACCESS CONNECTIONS.

20                  (ii) UNPAVED ROADS OR FEED LANES.

21                  (iii) ANIMAL WASTE HANDLING AND TRANSPORTING.

22                  (iv) ARENAS, CORRALS AND PENS.

23           2. "Applicable implementation plan" means that term as defined in 42  
24          United States Code section 7601(q).

25           3. "Best management practices" means techniques that are verified by  
26          scientific research and that on a case by case basis are practical,  
27          economically feasible and effective in reducing PM-10 particulate emissions  
28          from a regulated agricultural activity.

29           4. "Maricopa PM-10 particulate nonattainment area" means the Phoenix  
30          planning area as set forth in 40 Code of Federal Regulations section 81.303.

31           5. "Regulated agricultural activities" means commercial farming  
32          practices that may produce PM-10 particulate emissions within the regulated

1 area, INCLUDING ACTIVITIES OF A DAIRY AND ACTIVITIES OF A BEEF CATTLE FEED  
2 LOT.

3 6. "Regulated area" means ANY OF THE FOLLOWING:

4 (a) The Maricopa PM-10 PARTICULATE nonattainment area. and

5 (b) Any portion of area A that is located in a county with a  
6 population of two million or more persons.

7 (c) ANY OTHER PM-10 PARTICULATE NONATTAINMENT AREA ESTABLISHED IN THIS  
8 STATE AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

9 Sec. 2. Rule making; compliance

10 A. On or before June 30, 2010, the agricultural best management  
11 practices committee established by section 49-457, Arizona Revised Statutes,  
12 as amended by this act, shall adopt by rule an agricultural general permit  
13 that specifies best management practices for regulated agricultural  
14 activities to reduce PM-10 particulate emissions from dairy operations and  
15 from beef cattle feed lot operations.

16 B. A person who engages in regulated agricultural activity from a  
17 dairy or from a beef cattle feed lot shall comply with the general permit  
18 within six months after the effective date of the general permit."

19 Amend title to conform

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02/26/2009  
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C: myr